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MEMO ENDORSED

BY HAND

The Honorable Leonard B. Sand
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

July 8, 2008

**USDS SDNY
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Re: *Benedict Toro v. City of New York, et al.*, 07 CV 3011 (LBS)

Your Honor:

We were recently retained to represent the plaintiff in the above-referenced civil rights action, and filed a Notice of Appearance on June 25, 2008. It is my understanding that discovery is currently set to close on or before July 14, 2008.¹ We write with the consent of defense counsel, Ms. Jessica Cohen, to request a ninety day enlargement of time to complete fact discovery and to pursue settlement.

As an initial matter, it is my understanding that Ms. Cohen is in the process of sending us all prior discovery, and we are therefore do not yet have a complete file. Once we are assured that all document discovery has been completed, depositions need to be noticed and completed, and amendments to plaintiff's pro se complaint will most likely be necessary. Finally, we have tendered a demand to Ms. Cohen in the interest of resolving the case without further costly discovery. In the event that the parties are unable to reach an agreement, we have been contacted by Magistrate Judge Eaton's chambers to schedule a settlement conference in the coming weeks.

For the foregoing reasons, we respectfully request that fact discovery be extended from July 14, 2008 to October 14, 2008.

*I am led to consent.
So ordered
7/10/08 J. Klein USM*

Respectfully submitted,

Brett H. Klein
Brett H. Klein

¹ Pursuant to the Court's Order of December 12, 2007, discovery was scheduled to close on June 12, 2008. The granted the City's request to extend discovery an additional thirty days on May 28, 2008.

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